

21-CV-1894

KUNTZ, J.
BULSARA, M.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK



JAKUB MADEJ,

Plaintiff,

v.

SYNCHRONY FINANCIAL,

Defendant.

Civil Action No. 21-cv-____

JURY TRIAL DEMANDED

MARCH 28, 2021

47 U.S.C. § 227 (TCPA)



COMPLAINT FOR VIOLATIONS OF TCPA, 47 U.S.C. § 227

Plaintiff Jakub Madej ("Mr. Madej") alleges:

NATURE OF THIS ACTION

1. Synchrony, perhaps the most prolific robocaller in the nation, places over 2.5 million robocalls *a day*. In this case, Synchrony made 572 automatic "robocalls" to Plaintiff's primary phone number from at least three phone numbers on 84 different days between November 17, 2020 and March 24, 2021 to sell its financial services, collect an unspecified and alleged debt, and obtain data via "validator calls" for sale. These calls harassed Plaintiff, invaded his privacy and caused Plaintiff to change his phone number. Plaintiff has never consented to these calls. Synchrony never asked for his consent either and never intended to obtain permission to call. To curb Synchrony's never-ending and deliberate violations of TCPA, Mr. Madej now seeks an order finding Synchrony liable under TCPA, enjoining Synchrony from further violations of TCPA, and awarding him compensatory and punitive damages for past deliberate violations.

PARTIES

2. Plaintiff Jakub Madej is a natural person.

3. Synchrony Financial is an S&P 500 consumer financial company headquartered in Stamford, Connecticut. Synchrony is listed on New York Stock Exchange (NYSE) and maintains an active presence in the State of New York.

JURISDICTION AND VENUE

4. This court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 47 U.S.C. § 227(b)(3) (TCPA).

5. This court has personal jurisdiction over Synchrony because Synchrony regularly transacts business in the Eastern District and a material portion of the events at issue occurred there.

6. Venue is proper in Eastern District of New York under 28 U.S.C. § 1391(b) because Synchrony regularly transacts business in this District and the phone calls were received in this District.

STATUTORY FRAMEWORK AND SOURING REALITY

7. Congress passed the Telephone Consumer Protection Act (TCPA) in 1991 to protect consumers from unwanted telephone calls, text messages, and faxes. 47 U.S.C. § 227, Pub.L. No. 102–243, 105 Stat. 2394 (Dec. 20, 1991).

8. As relevant here, TCPA outlaws two practices: (i) using an automatic telephone dialing system or an artificial or prerecorded voice message without the prior express consent of the called party, 47 U.S.C. § 227(b)(1)(A), and (ii) using artificial or prerecorded voice messages to call residential telephone lines without prior express consent. § 227(b)(1)(B).

9. As TCPA generated a flurry of class action suits, businesses have treated litigation as ordinary course of business. According to the YouMail National Robocall Index (YNRI), Americans received 4.6 *billion* robocalls in February 2021. That's 1,900

calls every *second*, and 14.1 calls per every individual in the country. See <https://robocal-index.com/> (last visit Mar. 27, 2021).

10. Americans' outrage at these flagrant violations of law is perhaps best reflected in the titles of various bills introduced in Congress, some of which appear below.

Name of the Bill	Session of Congress	Became Law?
Spam Calls Task Force Act of 2019	116 th Congress	No
Ending One-Ring Scams Act of 2019	116 th Congress	No
Tracing Back and Catching Unlawful Robocallers Act of 2019	116 th Congress	No
Locking Up Robocallers Act of 2019	116 th Congress	No
Telephone Robocall Abuse Criminal Enforcement and Deterrence Act (Palone-Thune TRACED Act)	116 th Congress	Yes

FACTUAL BACKGROUND

Synchrony's Robocalls Violated TCPA

11. Mr. Madej has used (203) 928-8486 as his primary phone number since August 2016 until March 2021. Mr. Madej is the only subscriber of this number.

12. Between November 17, 2020 and March 24, 2021, Synchrony Financial made at least 572 calls to (203) 928-8486, Plaintiff's primary telephone number. Synchrony called Mr. Madej from several numbers, including (770) 283-1530, (844) 425-0296, and (496) 758-3868. The table below demonstrates specific periods when Synchrony made these illegal calls to Mr. Madej.

Time Frame	Originating Number	Number of Calls
December 16, 2020 – March 24, 2021	(770) 283-1530	342
November 17, 2020 – March 23, 2021	(844) 435-0296	175
December 1, 2020 – December 15, 2020	(469) 758-3868	53

13. Specific times when Synchrony made each call are included in Table A, which is attached to this complaint. The list above will be amended to include every call Synchrony placed after this complaint has been filed but before trial.

14. Synchrony uses more than 100 different phone numbers in the ordinary course of business to make such “robocalls”. Oftentimes, Synchrony uses most or all these numbers at the same time to make thousands of phone calls simultaneously to thousands of consumers without any human intervention. Synchrony also so many different numbers also to avoid detection and disguise the scale of its operations.

15. To make these calls, Synchrony used automatic telephone dialing system which containing prerecorded voice and which operated without human intervention.

16. Mr. Madej did not consent, whether directly or indirectly, to these calls. In particular, he did not consent to them in writing at any time.

17. Synchrony’s phone did not have any meaningful informational purpose. Rather, Synchrony made them solely for commercial purposes to profit Synchrony. In particular, these calls were intended to:

- a. To collect an unspecified alleged debt, which Synchrony has not validated;
- b. To market its financial products and “solutions”;

- c. To collect information, such as whether Plaintiff answered the call and when, to later sell it to third-party data analytics businesses.

18. Several of Synchrony's calls contained prerecorded messages that did not specify the intended recipient but were intentionally anonymized; the voice encouraged the customer to "immediately contact Synchrony" by calling Synchrony at a number given in the call but did not name Plaintiff. Rather, the call began with words: "this is an important message." Synchrony never uses its name during these calls to disguise the true identity of the caller.

19. Other calls Synchrony made ended 2 to 3 seconds after Plaintiff answered them. Synchrony makes them for analytics purposes – solely to verify if the number is still active, and whether that number should be contacted again.

20. To make these calls, Synchrony used a computerized system that had the capacity to, and in fact did, place autodialed calls. Synchrony never intended to connect Mr. Madej with a human agent.

21. Synchrony's calls did not stop when Plaintiff contacted Synchrony and requested that it ceased communication. Instead, Synchrony continued unabated to harass Mr. Madej.

22. Synchrony called Plaintiff at an annoying and harassing rate.

23. Synchrony's conduct caused actual damage to Plaintiff by:

- a. invading his privacy with repeated automatic calls from several numbers at various times of the day;
- b. incurring charges;
- c. reducing Plaintiff's cellular telephone time;
- d. blocking Plaintiff's voicemail by having to manually retrieve and delete the messages left by Synchrony.

Synchrony Deliberately and Knowingly Violated TCPA

24. Synchrony knew that its calls to Plaintiff violated TCPA but nonetheless chose to make them.

25. Synchrony's strategy of harassing individuals and customers with repeated robocalls is a deliberate and calculated business strategy. Plaintiff was not an exception. Synchrony regularly places between 3-5 calls a day at previously specified intervals to various individuals, often from different phone numbers to conceal the caller's true identity and to prevent customers from blocking its calls.

26. Synchrony did not maintain a Do Not Call policy, as mandated by 47 C.F.R. § 64.1200 (d)(1).

27. Because Synchrony willfully and knowingly violated TCPA, Mr. Madej is entitled to compensatory damages and treble damages for each violation of TCPA. Accordingly, the Court should find Synchrony liable and impose full sanctions under the law.

CLAIM FOR RELIEF

Counts 1-572

Violations of 47 U.S.C. § 227(b)

28. Between December 16, 2020 and March 24, 2021, Synchrony Financial operated an automatic telephone dialing system capable of storing random and sequential numbers and programmed to place more than 2,500,000 automatic calls a day, and made at least 572 separate calls at times, which are listed in Table A, from numbers (770) 283-1530, (844) 435-0296 and (469) 758-3868 to Plaintiff's primary phone number, using said system, which operated without human intervention, in violation of Title 47, United States Code, Section 227 (TCPA).

29. Between December 16, 2020 and March 24, 2021, Synchrony Financial willfully and knowingly made 572 separate calls to Plaintiff even though it knew that doing so would violate TCPA because, among other reasons, Plaintiff did not consent to Synchrony's robocalls, Synchrony never obtained Plaintiff's written consent to these calls, Synchrony never intended to obtain Plaintiff's consent to these calls, Synchrony did not maintain TCPA policies, and Synchrony did not train its employees to observe such policies, all in violation of Title 47, United States Code, Section 227 (TCPA).

Time Frame	Originating Number	Counts
December 16, 2020 – March 24, 2021	(770) 283-1530	1-342
November 17, 2020 – March 23, 2021	(844) 435-0296	343-518
December 1-15, 2020	(469) 758-3868	519-572

PRAYER FOR RELIEF

Mr. Madej demands that the Court enter judgment in his favor and against the Dialers, and grant the following relief:

- A. Find Dialers liable for violating TCPA, 47 U.S.C. § 227(b), as set forth above;
- B. Award statutory damages of \$500 for each violation, for a total of \$286,000;
- C. Find that Dialers willfully or knowingly violated TCPA, for reasons specified above;
- D. Award punitive damages of \$1,500 for each violation, for a total of \$858,000;
- E. Award Mr. Madej actual damages, in an amount to be proven at trial, for harassment and actual harm that resulted from Dialers' violations;
- F. Enjoin Synchrony from committing further violations of TCPA;

- G. Grant attorney's fees and reasonable costs and expenses incurred in this litigation;
- H. Grant any other relief the Court deems just and proper.

JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

DATED: March 28, 2021.

By: /s/ Jakub Madej
Jakub J. Madej
415 Boston Post Rd, Ste 3-1102
Milford, CT 06460
T: (203) 928-8486
F: (203) 902-0070
E: j.madej@lawsheet.com

TABLE A

Calls from (770) 283-1530

	December 16, 2020	08:06 am
	December 16, 2020	11:45 am
	December 16, 2020	05:07 pm
	December 16, 2020	07:05 pm
	December 17, 2020	08:33 am
	December 17, 2020	12:17 pm
	December 17, 2020	02:36 pm
	December 17, 2020	05:45 pm
	December 18, 2020	08:47 am
	December 18, 2020	01:58 pm
	December 18, 2020	06:14 pm
	December 18, 2020	08:06 pm
	December 19, 2020	09:20 am
	December 19, 2020	12:52 pm
	December 19, 2020	02:57 pm
	December 19, 2020	04:26 pm
	December 20, 2020	08:12 am
	December 20, 2020	09:52 am
	December 20, 2020	11:13 am
	December 20, 2020	01:05 pm

	December 21, 2020	08:13 am
	December 21, 2020	01:45 pm
	December 21, 2020	04:05 pm
	December 21, 2020	05:19 pm
	December 22, 2020	08:04 am
	December 22, 2020	01:34 pm
	December 22, 2020	02:43 pm
	December 22, 2020	04:56 pm
	December 23, 2020	08:03 am
	December 23, 2020	03:43 pm
	December 23, 2020	04:51 pm
	December 24, 2020	08:13 am
	December 24, 2020	09:18 am
	December 24, 2020	10:31 am
	December 26, 2020	09:14 am
	December 26, 2020	12:35 pm
	December 26, 2020	02:18 pm
	December 26, 2020	03:22 pm
	December 27, 2020	08:45 am
	December 27, 2020	10:27 am
	December 27, 2020	03:53 pm
	December 27, 2020	05:55 pm

	December 28, 2020	08:34 am
	December 28, 2020	01:32 pm
	December 28, 2020	04:23 pm
	December 28, 2020	05:59 pm
	December 29, 2020	08:36 am
	December 29, 2020	02:35 pm
	December 29, 2020	04:30 pm
	December 29, 2020	05:39 pm
	December 30, 2020	08:06 am
	December 30, 2020	10:54 am
	December 30, 2020	12:50 pm
	December 30, 2020	06:13 pm
	January 2, 2021	08:45 am
	January 2, 2021	10:45 am
	January 2, 2021	01:44 pm
	January 2, 2021	03:55 pm
	January 3, 2021	09:17 am
	January 3, 2021	11:00 am
	January 3, 2021	04:19 pm
	January 3, 2021	06:08 pm
	January 4, 2021	08:17 pm
	January 5, 2021	08:04 am

	January 5, 2021	03:49 pm
	January 5, 2021	06:43 pm
	January 5, 2021	08:33 pm
	January 6, 2021	09:04 am
	January 6, 2021	01:31 pm
	January 6, 2021	03:31 pm
	January 6, 2021	04:32 pm
	January 7, 2021	08:39 am
	January 7, 2021	10:45 am
	January 7, 2021	01:12 pm
	January 7, 2021	02:36 pm
	January 8, 2021	08:22 am
	January 8, 2021	09:27 am
	January 8, 2021	11:48 am
	January 8, 2021	03:27 pm
	January 9, 2021	09:17 am
	January 9, 2021	10:42 am
	January 9, 2021	12:55 pm
	January 9, 2021	02:16 pm
	January 10, 2021	08:23 am
	January 10, 2021	09:30 am
	January 10, 2021	10:38 am

	January 10, 2021	11:52 am
	January 11, 2021	09:02 am
	January 11, 2021	10:25 am
	January 11, 2021	12:22 pm
	January 11, 2021	02:20 pm
	January 12, 2021	08:38 am
	January 12, 2021	10:20 am
	January 12, 2021	04:06 pm
	January 12, 2021	05:15 pm
	January 13, 2021	08:33 am
	January 13, 2021	09:46 am
	January 13, 2021	11:19 am
	January 13, 2021	04:04 pm
	January 14, 2021	08:08 am
	January 14, 2021	10:07 am
	January 14, 2021	11:22 am
	January 14, 2021	04:56 pm
	January 15, 2021	08:03 am
	January 15, 2021	10:34 am
	January 15, 2021	11:40 am
	January 15, 2021	01:58 pm
	January 16, 2021	08:03 am

	January 16, 2021	09:16 am
	January 16, 2021	10:35 am
	January 16, 2021	01:18 pm
	January 17, 2021	08:23 am
	January 17, 2021	10:20 am
	January 17, 2021	11:25 am
	January 17, 2021	02:16 pm
	January 18, 2021	08:49 am
	January 18, 2021	10:40 am
	January 18, 2021	02:49 pm
	January 18, 2021	07:27 pm
	January 19, 2021	08:04 am
	January 19, 2021	10:05 am
	January 19, 2021	03:33 pm
	January 19, 2021	06:23 pm
	January 20, 2021	08:02 am
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	January 20, 2021	01:12 pm
	January 20, 2021	04:12 pm
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	January 24, 2021	10:08 am
	January 24, 2021	11:13 am
	January 24, 2021	12:31 pm
	January 25, 2021	08:18 am
	January 25, 2021	12:22 pm
	January 25, 2021	06:48 pm
	January 25, 2021	08:17 pm
	January 26, 2021	08:01 am
	January 26, 2021	10:40 am
	January 26, 2021	12:14 pm
	January 26, 2021	04:24 pm
	January 27, 2021	08:05 am

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	January 27, 2021	12:56 pm
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	January 29, 2021	01:39 pm
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	February 18, 2021	07:41 pm
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	March 16, 2021	09:09 am
	March 16, 2021	10:20 am
	March 16, 2021	05:52 pm
	March 17, 2021	08:02 am
	March 17, 2021	06:20 pm
	March 18, 2021	08:01 am
	March 18, 2021	09:18 am
	March 18, 2021	01:56 pm
	March 18, 2021	05:01 pm
	March 19, 2021	08:01 am
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	March 24, 2021	01:52 pm
	March 24, 2021	10:03 am
	March 24, 2021	11:46 am
	March 24, 2021	1:52 pm

(Rev. 09/19)

CIVIL COVER SHEET

US 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as added by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the use of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I) PLAINTIFFS

SUB MADEJ

County of Residence of First Listed Plaintiff **NEW YORK**
(EXCEPT IN U.S. PLAINTIFF CASES)

Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

SYNCHRONY FINANCIAL, INC.

County of Residence of First Listed Defendant **NEW YORK**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, IN CLERK'S OFFICE OF THE TRACT OF LAND INVOLVED
U.S. DISTRICT COURT E.D.N.Y.

Attorneys (If Known)

FILED
APR 06 2021
BROOKLYN OFFICE

BASIS OF JURISDICTION (Place an "X" in One Box Only)

U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)

U.S. Government Defendant ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
0 Insurance 0 Marine 0 Miller Act 0 Negotiable Instrument 0 Recovery of Overpayment & Enforcement of Judgment 1 Medicare Act 2 Recovery of Defaulted Student Loans (Excludes Veterans) 3 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ✗ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
47 U.S.C. § 227

Brief description of cause:
Telephone Consumer Protection Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE **03/28/2021** SIGNATURE OF ATTORNEY OF RECORD
/s/ Jakub Madej

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

-) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
-) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
-) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; NOTE: federal question actions take precedence over diversity cases.)

Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).

- v. **Origin.** Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.

Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.

PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service

- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

JAKUB MADEJ

Plaintiff(s)

v.

SYNCHRONY FINANCIAL, INC.

Defendant(s)

Civil Action No. 3:21-cv-_____

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* Synchrony Financial d/b/a Synchrony Bank
777 Long Ridge Rd.
Stamford, CT 06902

Synchrony Financial
c/o CT Corporation System Inc.
28 Liberty Street

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Jakub Madej
447 Broadway, 2nd Floor #447
New York, NY 10013

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: 03/28/2021

Signature of Clerk or Deputy Clerk

PLAIN
29710 118-28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JAKUB MADEJ,

Plaintiff,

v.

SYNCHRONY FINANCIAL,

Defendant.

Civil Action No. 21-cv-____

JURY TRIAL DEMANDED

MARCH 28, 2021

47 U.S.C. § 227 (TCPA)

NOTICE OF APPEARANCE

TO CLERK OF COURT, EASTERN DISTRICT OF NEW YORK:

Please enter my appearance for Plaintiff Jakub Madej.

Respectfully submitted,

DATED: March 28, 2021.

By: /s/ Jakub Madej

Jakub J. Madej

415 Boston Post Rd, Ste 3-1102

Milford, CT 06460

T: (203) 928-8486

F: (203) 902-0070

E: j.madej@lawsheet.com

JAKUB MADEJ
415 BOSTON POST RD STE 3-1102
MILFORD CT 06460

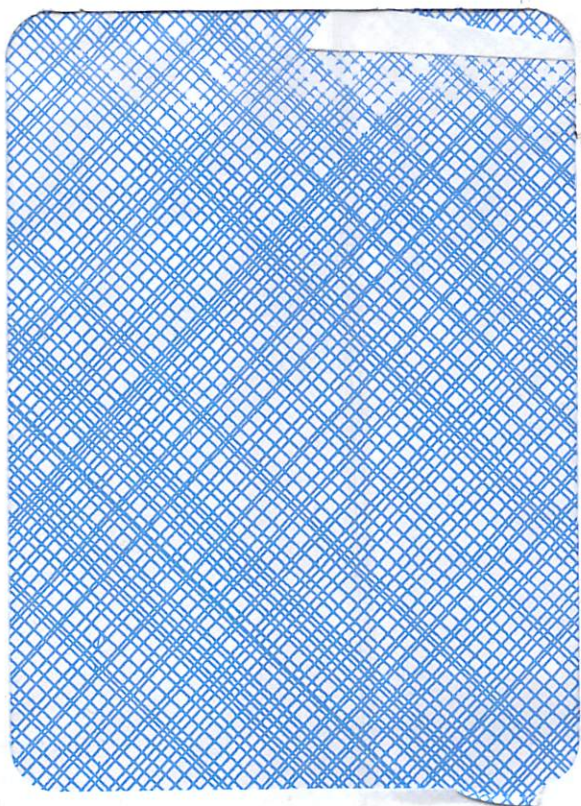


UNITED STATES DISTRICT COURT
ATTN: CASE FILING CLERK
EASTERN DISTRICT OF NEW YORK
225 CADMAN PLZ E
BROOKLYN NY 11201-1832

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ APR 06 2021 ★

BROOKLYN OFFICE



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